

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
01-CR-165A

RASHEEN NEWKIRK,

Defendant.

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Defendant Rasheen Newkirk's conviction was entered on May 22, 2002. On June 7, 2002, he filed a Notice of Appeal, one day after the expiration of the ten-day period for filing a Notice of Appeal, see Fed. R. App. P. 4(b)(1)(A), 4(b)(6), 26(a), but within the thirty-day period for requesting an extension for late filing, see Fed. R. App. P. 4(b)(4). On June 1, 2006, the Second Circuit Court of Appeals dismissed defendant's untimely appeal without prejudice for lack of jurisdiction and directed this Court to treat defendant's late Notice of Appeal as a Rule 4(b)(4) request for an extension to file his Notice of Appeal and to rule on that motion expeditiously.

The Court hereby grants defendant's motion for an extension.

Defendant's Notice of Appeal is effective *nunc pro tunc*.

IT IS SO ORDERED.

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*/s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 1, 2006